

CALIFORNIA MEDICAL ASSOCIATION

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California Medical Association

Revised Proposed Constitution Submitted by Reference Committee No. 3, April 30, 1950

Herewith is printed, for the first time in CALIFORNIA MEDICINE, the proposed C.M.A. Constitution introduced in the 1950 House of Delegates by Reference Committee No. 3 of that body. A second printing, in accordance with existing constitutional provisions, will be made prior to the convening of the 1951 House of Delegates in regular session.

Included in this document is an additional proposed section introduced by Reference Committee No. 3 as an addendum to its original introduction of the proposed Constitution.

Members of the Association, and especially members of the House of Delegates, are urged to give this proposed Constitution a thorough study. It contains various provisions which are different from existing constitutional provisions and which have been under discussion in the House of Delegates in the past.

CONSTITUTION

ARTICLE I.—NAME, PURPOSES AND ORGANIZATION

Section 1.—Name

The name of this organization is California Medical Association (hereinafter referred to as the Association).

Section 2.—Purposes

The purposes of this Association are to promote the science and art of medicine, the protection of public health, and the betterment of the medical profession; to promote similar interests of its component societies; and to unite with similar organizations in other states and territories of the United States to form the American Medical Association.

Section 3.—Organization

This Association has two divisions: One, the Association as an organization; and Two, the Scientific Assembly. The Association as an organization

includes component societies and their active members, the House of Delegates, Council, Commissions and Standing Committees. The Scientific Assembly includes all members of the Association and the scientific sections.

Section 4.—Definition of Component Societies

Component societies include all county medical societies (which may cover one or more counties) heretofore or hereafter chartered by this Association.

Section 5.—Component Society Charters

Charters to component societies may be granted and revoked as hereinafter prescribed, subject to the limitation that only one charter may be outstanding at any one time in any county.

ARTICLE II.—MEMBERSHIP

Section 1.—Classes of Members

The members of this Association shall consist of Active, Associate, Honorary, Retired, Life and Affiliate members.

Section 2.—Membership Qualifications, Rights, Privileges, Duties and Method of Election

The qualifications, rights, privileges, duties, obligations and methods of election of the several classes of membership are as stated in the By-Laws.

ARTICLE III.—GOVERNMENT OF THE ASSOCIATION

Part A.—House of Delegates

Section 1.—Composition

The House of Delegates shall consist of:

- (a) Delegates elected by the members of component societies;
- (b) Officers of the Association as hereinafter provided;
- (c) Ex officio, with the right to vote, the District Councilors, and
- (d) Ex officio, without the right to vote, the Past Presidents.

Section 2.—Representation

As the By-Laws shall provide, each component society shall be entitled to proportionate representation in the House of Delegates but with a minimum of two delegates.

Section 3.—Alternates

Alternates shall be elected, as specified in the By-Laws, in the same manner as delegates are elected. One alternate shall be seated in place of each delegate absent or disqualified for failure to attend meetings or other cause.

Section 4.—Terms of Delegates and Alternates

Delegates and alternates shall serve for two or three years as each component society may determine. One-half or one-third, as the case may be, of the allowed number shall be elected each year.

Section 5.—Quorum

A majority of the authorized number of delegates shall constitute a quorum.

Section 6.—Functions of the House of Delegates

The House of Delegates shall be the legislative body of the Association and shall exercise such other functions as the By-Laws may prescribe.

Section 7.—Issuance and Revocation of Charters

(a) The House of Delegates shall issue charters to medical societies of a county or combination of counties deemed eligible and which have made proper application therefor.

(b) The House of Delegates may suspend or revoke any such charter, after due notice and proper hearing, for cause. "Cause" shall be considered to be any conduct or action, on the part of any component society, deemed in contravention of the Constitution and By-Laws of the Association or the American Medical Association or their "Principles of Medical Ethics." "Cause" shall further be deemed to be any conduct or action of a component society deemed inimical to the best interests of the Association.

(c) It may act on the withdrawal or secession of any component society from the Association and take such measures as are deemed advisable and proper for reinstatement of any component society which may have withdrawn or had its charter suspended or revoked.

(d) A two-thirds affirmative vote of the delegates present and voting shall be necessary for any action under the provisions of this section.

Section 8.—Sessions of the House of Delegates

In each year there shall be one or more sessions of the House of Delegates as fixed in the By-Laws. Special sessions may be called and held as provided in the By-Laws.

Part B.—Council**Section 9.—Composition**

The Council shall consist of:

(a) Eleven District Councilors elected from the councilor districts specified in this Constitution; and

(b) Six Councilors-at-Large elected by the House of Delegates, and

(c) The President, President-Elect, and Speaker. In addition, the Secretary-Treasurer and Editor, ex officio, but without the right to vote.

Section 10.—Councilor Districts

There are eleven districts as follows:

District Number One, comprising San Diego County.

District Number Two, comprising Imperial, Orange, Riverside, San Bernardino, Mono and Inyo counties.

District Number Three, comprising the County of Los Angeles.

District Number Four, comprising the County of Los Angeles.

District Number Five, comprising Ventura, Santa Barbara and San Luis Obispo counties.

District Number Six, comprising Kern, Kings, Tulare, Fresno, Madera, Merced, Mariposa, Stanislaus, San Joaquin, Calaveras and Tuolumne counties.

District Number Seven, comprising Monterey, San Benito, Santa Cruz, Santa Clara and San Mateo counties.

District Number Eight, comprising San Francisco County.

District Number Nine, comprising Alameda County and Contra Costa County.

District Number Ten, comprising Marin, Solano, Napa, Sonoma, Lake, Mendocino, Humboldt and Del Norte counties.

District Number Eleven, comprising Sacramento, Amador, Alpine, Eldorado, Placer, Nevada, Sierra, Yuba, Sutter, Yolo, Colusa, Glenn, Butte, Plumas, Tehama, Trinity, Shasta, Lassen, Modoc and Siskiyou counties.

Section 11.—Election of Councilors

(a) District Councilors shall be elected by vote of the delegates from each district in the manner and at the time specified in the by-laws; provided, however, that at the first meeting of the House of Delegates after a district councilor has been selected, his name shall be submitted to the House by the delegates from the district, and (1) if there is no challenge by any delegate then the speaker shall declare his election completed, and (2) if any delegate shall challenge the election on any ground, including fitness of the nominee of the district to serve as a district councilor, the questions presented by the challenge shall be submitted to a Qualifications Committee consisting of the President, President-Elect and one delegate, appointed by the speaker, from the councilor district involved. The Qualifications Committee shall consider all grounds upon which the nominee is challenged and report back to the House. If the committee reports in favor of confirming the nominee's election, the speaker shall declare him elected. If the committee reports against confirming the nominee's election, a three-fourths affirmative vote shall be necessary to sustain the report of the committee, in which event the nominee

shall be ineligible to serve as the district councilor and the delegates from the district shall immediately proceed to the selection of another nominee for the vacant office. If an adverse report of the Qualifications Committee is not sustained then the nominee shall be declared elected by the speaker.

(b) Councilors-at-Large shall be elected one by one from nominations made on the floor of the House of Delegates. Not more than two councilors-at-large shall be elected from any one councilor district.

Section 12.—Councilors: Terms of Office

Councilors shall serve for terms of three (3) years; one-third to be elected in each year.

Section 13.—Council: Powers and Duties

Subject to the provisions of this Constitution, and all resolutions and enactments of the House of Delegates, the Council shall be vested with full and complete power and authority to manage, control, use, invest, reinvest, lease, make contracts in respect of, and concerning, convey, give, grant, transfer or otherwise dispose of all property and assets of whatever kind or nature owned by the Association, and shall also be vested with full and complete power and authority to do and perform all acts and to transact all business for and on behalf of the Association and to manage and conduct all the work and activities of the Association in carrying out the purposes thereof. The Council shall have such additional duties, powers and functions as are prescribed in the By-Laws.

Section 14.—Election of Councilors on Adoption of this Constitution

Upon the adoption of this Constitution, the delegates from each of the eleven councilor districts shall proceed to elect district councilors as follows: At the annual meeting at which this Constitution is adopted the councilors of the First, Fourth, Seventh and Tenth districts shall be elected for terms of one year each; councilors of the Second, Fifth, Eighth and Eleventh districts shall be elected for terms of two years each; and councilors of the Third, Sixth and Ninth districts shall be elected for terms of three years each. Thereafter, as each term expires the delegates from each district shall elect a district councilor to serve for a term of three years.

Upon the adoption of this Constitution, the councilors-at-large holding office at the time of the adoption shall serve the remainder of their terms of office specified in the previous Constitution and as their terms expire successors shall be elected in the manner and for the terms provided in this Constitution.

Upon the adoption of this Constitution and the election of eleven district councilors the terms of office of the nine district councilors elected prior to the adoption of this Constitution will immediately cease and terminate.

ARTICLE IV.—FUNDS, PROPERTY, DUES, ASSESSMENTS AND EXPENDITURES

Section 1.—Annual Dues

At each regular session the House of Delegates shall, by a majority vote, fix the annual dues to be paid by members of the Association for the ensuing calendar year. Dues payable by active members shall be uniform and equal, except that the House of Delegates may reduce dues for certain groups (by general classification) as the By-Laws may expressly permit.

Dues payable by associate members shall be uniform and equal but may be set at not less than one half the regular dues for active members.

Section 2.—Military Service

During any period at which the United States is at war or requires services of doctors of medicine under an universal military training or draft program, annual dues may be reduced or waived by the House of Delegates with respect to those members serving in the Armed Forces of the United States during the whole or any part of any year.

Section 3.—Leaves of Absence

The Council, on recommendation of a component society, may grant leaves of absence to active members who are seriously ill and cannot practice or who leave practice temporarily for postgraduate study or other purposes acceptable to the component society and the Council and during such leave a uniform reduction of dues shall be established by the Council; provided no leave may exceed one year but shall be subject to renewal.

Section 4.—Special Assessments, etc.

Funds may also be raised by any of the following methods: (a) publications of the Association; (b) voluntary contributions; (c) bequests, legacies, devises, and gifts; (d) special assessments levied by the House of Delegates; and (e) in any other manner approved by the House of Delegates. In the event that the House of Delegates levies any special or other assessment than the annual assessment of dues, it may, in the resolution levying the assessment, fix and determine the time within which such assessment must be paid, the class or classes of members of the Association upon whom it is levied, and the penalty, if any, including forfeiture or suspension of membership in this Association or the component society, or both, to result from nonpayment thereof within the time prescribed.

Section 5.—Annual Budget and Expenditures

At each regular session of the House of Delegates, the Council shall submit to it an itemized budget stating the proposed expenditures of the Association for the ensuing year. The budget may be altered or revised by the House of Delegates, but must be adopted by the House before adjournment of the session. After its adoption, no expenditures in ex-

cess of the amount of the budget item covering the subject of such expenditures may be made in the year covered by the budget by the Association or any of its officers, agents or employees, unless the Council by a three-fourths vote of all voting members shall first approve such excess expenditure by resolution duly adopted. Recurring items in the budget (fixed expenditures covering more than one year) shall, when first adopted, be binding as to subsequent budgets to the extent of commitments or obligations entered into by the Association within authority granted by the House of Delegates or this Constitution or the By-Laws.

Section 6.—Benevolence Fund

At least \$1.00 out of the annual dues paid by each active member of the Association shall be allocated to the Physicians' Benevolence Fund and shall only be used for the purposes as set forth in the By-Laws.

Section 7.—All Funds and Moneys to Be Paid to Secretary-Treasurer and Deposited With Depositary

All funds and moneys received for the Association by any officer or agent thereof shall be promptly paid to the Secretary-Treasurer and by him deposited with a depositary selected as such by the Council.

All depositaries selected by the Council shall be banks or trust companies duly licensed to transact business as such in the State of California.

Section 8.—Membership Interest in Association Property

No person other than an active member in good standing shall have any interest in the property of the Association and the interest of any active member therein shall cease when he ceases to be a member of the Association.

If any active member shall resign or otherwise cease to be an active member of the Association, all of his interest in and to all property of the Association shall cease and such cessation of membership shall operate as a release and assignment to the Association of all the right, title and interest of such member in and to all the property of the Association.

ARTICLE V.—REFERENDUM AND PETITION

Section 1.—Referendum and Petition

The right of referendum and petition shall be as set forth in the By-Laws.

ARTICLE VI.—OFFICERS

Section 1.—Officers

The officers of this Association shall be a President, a President-Elect, a Secretary-Treasurer, a Speaker of the House of Delegates, a Vice-Speaker of the House of Delegates and an Editor.

Section 2.—Powers and Duties of the President-Elect

The President-Elect shall act for the President in his absence or disability, and if the office of President becomes vacant the President-Elect shall then succeed to the Presidency to serve as President for such

unexpired term and for the term of one year thereafter.

ARTICLE VII.—SCIENTIFIC ASSEMBLY

Section 1.—Objects

The Scientific Assembly of the California Medical Association is the convocation of its members for the presentation and discussion of subjects pertaining to the science and art of medicine.

Section 2.—Sections

The Scientific Assembly shall be divided into sections, each section representing that branch of medicine described in its title.

Section 3.—Creation of New Sections

New sections may be created or existing sections discontinued by the House of Delegates. The Scientific Assembly and its sections shall be conducted in accordance with the provisions of this Constitution and the By-Laws, and such other instructions by the House of Delegates or the Council as may not be in conflict therewith.

ARTICLE VIII.—MISCELLANEOUS

Section 1.—Incorporation

(a) To aid in carrying out the objects of the Association, the House of Delegates at any meeting of any regular or special session thereof may by a two-thirds vote of the members thereof present and acting, authorize, empower and direct the Council to cause the formation and organization of a non-profit corporation under the laws of the State of California, without capital stock, with such incorporators, name, purposes, objects, principal place of business, term, number of directors and directors to serve for the first year and until their successors are elected and have accepted office, and with such provisions regarding the voting power and property rights and interests of the members of the corporation and such further provisions in the Articles of Incorporation thereof, and with By-Laws and composed of such members representing this Association as the Council shall prescribe, fix and determine. The House of Delegates may at its option in connection with the granting and giving of such authority, power and direction to the Council, prescribe, fix and determine any or all of such matters pertaining to the said corporation, its Articles of Incorporation and any provision thereof, By-Laws and membership, and its action thereon shall bind the Council; and the House of Delegates at any meeting of any regular or special session thereof may by a two-thirds vote of the members thereof present and acting, authorize, empower and direct the Council to grant, assign, transfer, convey and deliver, or cause to be granted, assigned, transferred, conveyed and delivered to the said corporation upon the formation thereof without any consideration thereof, any property, real or personal, of the Association, which authorization, power and direction may be given prior or subsequent to the formation and organization of said corporation.

(b) To further aid in carrying out the objects of the Association, the House of Delegates at any meeting at any regular or special session thereof may, by a two-thirds vote of the membership thereof present and acting, authorize, empower and direct the Council to cause the formation and organization of one or more corporations under the laws of the State of California with such incorporators, name, purposes, county where the principal office for the transaction of business is to be located, first directors, the total number of shares, the aggregate par value, if any, of all shares, classes of shares, par value of any shares having par value, statement of the provisions, privileges and restrictions granted or imposed upon the respective classes of shares, or if the corporation be formed without capital stock the authorized number and qualifications of its voting and other rights of each class of members and the liability of each and all classes, to dues or assessments, and with such further provisions in the articles of incorporation thereof and with such by-laws as the Council shall prescribe, fix and determine; and the House of Delegates at any meeting of any regular or special session thereof may, by a vote of two-thirds of the members thereof present and acting, authorize, empower and direct the Council to grant, assign, transfer, convey or deliver or cause to be granted, assigned, transferred, conveyed or delivered to any of such corporations upon the formation thereof or to applicants for health and accident or other insurance in or from any of said corporations at or prior to the formation thereof without any consideration therefor, such funds and property, real or personal, of this Association as the House of Delegates shall from time to time authorize or ratify.

Section 2.—Seal

The Association shall have an Association seal consisting of a circle having on the circumference the words "California Medical Association, Eureka, 1856," with such further emblems, figures and words as the House of Delegates, on recommendation from the Council, shall prescribe.

The power to change the seal shall rest with the House of Delegates.

Section 3.—Amendments

Any member of the House of Delegates at any meeting of any session, other than a special session, thereof may present an amendment or amendments to any article or articles or any section or sections of any article or articles of this Constitution.

Such proposed amendment or amendments shall be in writing and shall be filed with the Secretary and shall thereafter be published at least twice in separate issues of the official journal of this Association prior to the next session of the House of Delegates.

At the said next session, other than a special session, of the House of Delegates, such proposed amendment or amendments shall be submitted to the House of Delegates, for consideration at any meet-

ing of the House of Delegates during that session, and if two-thirds of the Delegates present and voting vote in favor thereof, the same shall be adopted.

Section 4.—Repeal of All Provisions of Existing Constitution

All articles and all sections and all parts of all articles of the existing Constitution are hereby repealed.

* * *

PROPOSED CONSTITUTIONAL AMENDMENTS

Printed herewith for the first time are two proposed amendments to the Constitution which was introduced in the 1950 House of Delegates. These amendments were offered separately from the proposed new Constitution introduced by Reference Committee No. 3. A second printing will be made in a subsequent issue of CALIFORNIA MEDICINE.

Resolved, That Section 4 of Article IV of the constitution of this association, is hereby amended to read as follows:

Section 4, Special assessments, etc.

Funds may be raised by any of the following methods: (a) publications of the association; (b) voluntary contributions, (c) bequests, legacies, devises and gifts, (d) special assessments levied by the house and (e) in any other manner approved by the house. In the event that the house levies any special assessment or other assessment than the annual dues, it may, in the resolution levying the assessment, fix and determine the time within which such assessment may be paid and the class or classes of members upon whom it is levied.

The penalty for failure to pay such assessment shall be levied by the local society.

* * *

Resolved, That Section 9, Part B of Article III of the revised constitution of this association be amended as follows:

"Section 9, Composition.

"The council shall consists of:

"(a) Sixteen district councilors elected from the councilor districts specified in this constitution; and
"(b) Four councilors-at-large elected by the house of delegates, and

"(c) The president, president-elect, and speaker.

"In addition, the secretary-treasurer and editor, ex officio, but without the right to vote."

And that Section 10, Part B of Article III be amended as follows:

"Section 10, Councilor districts.

"(a) The state shall be divided into sixteen councilor districts according to economic and geographic lines. This division is to be effected by the council.

"(b) The state shall be reapportioned at least every five years or oftener if needed by the council.

"(c) The geographical areas of each councilor district and the number of the district shall be as stated in these by-laws."

PROPOSED AMENDMENT TO EXISTING CONSTITUTION

Be It Resolved, That Article VII, Section 1, of the Constitution of the California Medical Association be amended to read as follows:

ARTICLE VII.—COUNCIL AND EXECUTIVE COMMITTEE

Section 1.—The Council

The Council shall consist of the Councilors and ex officio: The President, the President-Elect, and the Speaker of the House of Delegates, each with all the rights of a Councilor.

Subject to the provisions herein, the Secretary-Treasurer and the Editor shall also be ex officio members of the Council, but without the right to vote.

The nine district Councilors shall be elected as follows:

In the interim between the first and second meetings of the House of Delegates at any annual session, the delegates from each Councilor district for which a councilorship is about to become vacant shall meet and elect a Councilor from that district. In the event that a majority of the delegates from any district are unable to agree upon a Councilor, the House of Delegates at its second meeting, shall elect a Councilor from that district. Those councilorships-at-large which are assigned to specified counties by reason of the size of their membership shall in similar manner be elected by the delegates from such specified counties. All nominees for councilorships must be members in good standing.

Unassigned Councilors-at-Large shall be elected by the House of Delegates. Not more than two Councilors-at-Large shall be elected from any one Councilor district; provided, however, that when any one Councilor district shall consist of a component county society having 1,500 or more members, two of the Councilors-at-Large shall be elected from its membership.

Any chapters, sections or paragraphs of the Constitution or By-Laws which are in conflict with this amendment are hereby repealed.

Proposed C. M. A. By-Laws

The following proposed by-laws represent essentially a set of by-laws prepared for submittal to the 1950 House of Delegates in the event the proposed C.M.A. Constitution then before that body were adopted. Inasmuch as the proposed Constitution was not adopted at that time, the original of these By-Laws was not presented to the House of Delegates for official action.

It should be borne in mind that until and unless a new Constitution is adopted by the House of Delegates, new By-Laws in codified form are meaningless. With a new Constitution, if voted, a new set of By-Laws becomes essential. Reference Committee No. 3 considered the original draft of these By-Laws at the time of the 1950 Annual Session. The draft printed here contains several changes from the orig-

inal form, inserted to make this document completely in key with the proposed Constitution which is now lying on the table of the House of Delegates and which is printed above.

The interim session of the House of Delegates, scheduled for December 2-3, 1950, in Sacramento, will not be in a position to vote on these proposed By-Laws. However, the interim session, acting as a committee of the whole, may discuss this document as a preparatory measure before the 1951 Annual Session, at which time the proposed Constitution will be voted upon.

BY-LAWS

CHAPTER I.—COMPONENT SOCIETIES

Section 1.—Component Society Charters

The charter of each component society shall provide that all the provisions of the Constitution and By-Laws of this Association in force at the time of the issuance of such charter, together with all amendments to either thereof thereafter adopted, in so far as the same are applicable, shall be an integral part of the constitution and by-laws of the component society to which the charter is issued and that the terms and provisions thereof shall control and govern such component society, the officers and members thereof, and that the constitution and by-laws of the component society shall not be amended in any way to conflict or be inconsistent with the Constitution and By-Laws of this Association. Each charter shall be signed by the President and the Secretary-Treasurer of this Association.

Section 2.—Revocation of Component Society Charters

The charter of a component society may be suspended or revoked on any of the grounds specified in the Constitution only in accordance with the following procedure:

(a) *Complaint.* A written complaint, stating the grounds for action, shall be filed with the Secretary-Treasurer by the Chairman of the Council pursuant to resolution adopted by the Council by the affirmative vote of two-thirds of the members thereof.

(b) *Notice.* The Secretary-Treasurer of the Association shall, within thirty days of its receipt by him, send by registered mail to the secretary of the component society concerned, a true copy of such complaint.

(c) *Hearing.* Hearing on such complaint shall be held by the House of Delegates at a meeting of its first session occurring not sooner than three nor more than ten months after the date of its presentation to the Secretary-Treasurer of the Association.

(d) *Decision.* Suspension or revocation of the charter of a component society shall require a two-thirds affirmative vote of the members of the House of Delegates; provided, however, that the delegates of the component society concerned shall not vote, and their number shall not be counted in determining the necessary two-thirds majority.

Section 3.—Component Society Sections

(a) *Geographical or Specialty Sections.* A component society may authorize the formation and existence of branch geographical or specialty sections for scientific investigation and work only, and the members of such geographical sections or specialty sections must be members of such component society.

(b) *Members in Sections to Be Members of Respective Component Societies.* No geographical or specialty section shall be permitted to have any classes of members which classes in whole or in part include non-members of the component society of which any such geographical or specialty section is a branch or subdivision; provided that nothing in this section shall be construed as limiting the guest privileges of such non-members at meetings of such section.

CHAPTER II.—MEMBERSHIP**Section 1.—What Constitutes Membership**

The name of a doctor of medicine on the official roster of this Association, after it has been properly reported by the secretary of his component society, and after the dues or other assessments due this Association shall have been paid by the component society for each such member according to the class of membership held by each component society member, shall be prima facie evidence of membership.

Section 2.—Component Society Rosters of Members; Reports

(a) *Roster.* The secretary of each component society shall keep a roster of its members, on which shall be shown the full name, address, school and date of graduation, date of license to practice in this state, class of membership, and such other information as the Secretary-Treasurer of the Association shall prescribe.

(b) *Reports.* The secretary of each component society shall furnish the Secretary-Treasurer of the Association before the first day of March of each year a list of names and addresses of all members in good standing on the first day of January of each year, shall notify in writing the Secretary-Treasurer monthly of all changes in membership of the component society, and shall submit to the Secretary-Treasurer on forms which the Association shall provide, notice of each application for membership in such component county society with the name, address and all other particulars regarding the applicant known to the secretary.

Section 3.—Qualifications of Active, Associate and Affiliate Members

(a) *Component Societies Sole Judges.* Each component society shall, subject to the minimum requirements for eligibility as hereinbelow provided, determine the qualifications for membership for Active, Associate or Affiliate membership therein, and shall be the sole judge of the qualifications of applicants for such membership.

(b) *Qualifications for Active Members.* To be eligible for election to Active membership in a component society, an applicant must hold the degree of Doctor of Medicine issued to him by an institution of learning accredited at the time of the issuance of such degree by the Board of Medical Examiners of the State of California. He must hold an unrevoked license to practice medicine and surgery issued to him by the Board of Medical Examiners of the State of California, which certificate must have been recorded in the office of the County Clerk in the county in which he practices. He must be of good moral and professional character and must not support, nor practice, nor claim to practice, any exclusive or sectarian system of medicine. He must subscribe to the Principles of Medical Ethics of the American Medical Association and to such as may from time to time be adopted by the California Medical Association, and shall recognize the authorized officers of his component society and of this Association as the proper authority to interpret any doubtful points of ethics.

(c) *Qualifications for Associate Members.* To be eligible for election to Associate membership in a component society, an applicant must possess all the qualifications necessary for active membership except that he shall not be engaged in the private practice of medicine and need not hold a license to practice medicine or surgery granted by the Board of Medical Examiners. For the purposes of this section, a Doctor of Medicine engaged in the private practice of medicine is any physician who receives his principal compensation for professional services on a fee basis.

(d) *Qualifications for Affiliate Members.* To be eligible for election to affiliate membership in a component society, an applicant must be, and must continue to be throughout the term of his membership, an intern, resident or house officer in an approved hospital within the county of the component society concerned.

Section 4.—Qualifications and Election of Other Classes of Membership

(a) *Retired Members.* The Council, on recommendation of any component society, may grant retired membership to those active members who have ceased the practice of medicine to the extent and for reasons satisfactory to such component society and the Council, and who shall have been active members of the Association for a total of ten years prior thereto. Retired membership shall endure as long as the retired member does not engage in full time practice of medicine; but in the event that a member classified as retired resumes active, full time practice of medicine such resumption shall automatically terminate retired membership and re-establish active membership. Upon resumption of full time practice by any retired member, the secretary of his component society shall transfer such member from the retired classification to the active classification, and notify the Secretary of this Association, who shall do likewise with respect to the membership rolls of this Association.

(b) *Honorary Members.* The House of Delegates on recommendation by the Council may elect as honorary members any persons distinguished for their services or attainments as doctors of medicine or in the field of public health, or for research or other scientific work contributing to medicine.

(c) *Life Members.* Those life members elected prior to the adoption of these By-Laws shall remain as such with all of the rights and privileges pertaining to such membership contained in the prior By-Laws, but no new life members shall be elected after the date of the annual session of the House of Delegates at which this section is adopted.

(d) *Special Memberships.* The House of Delegates may, from time to time, establish special and limited classes of membership in this Association for undergraduate medical students, or for interns, house officers, or residents wherever a component society makes no provision for this class of membership. The House of Delegates may also, from time to time, establish other special and limited classes of membership and fix the dues, qualifications, duration and privileges of such membership.

Section 5.—Rights and Privileges of Membership

(a) *Active Members.* Subject to the provisions of the Constitution and these By-Laws, all active members shall be equally privileged to vote, to hold office and to enjoy all other rights and privileges of the Association.

(b) *Associate Members.* Subject to the provisions of the Constitution and these By-Laws, associate members shall have all the rights and privileges of Active Members except the right to vote or to hold office.

(c) *Affiliate, Honorary and Retired Members.* Members in these classes shall be privileged to receive publications of the Association at such rates as the Council may from time to time determine; they shall not have the right to vote nor to hold office.

Section 6.—Membership Where No Component Society Exists

Any Doctor of Medicine residing in an area in which there is no component society may apply for membership in the component society most convenient to the area in which he practices medicine, and if otherwise qualified he may be elected to membership therein.

Section 7.—Membership Where Major Office and Residence Are In Different Component Society Areas

A Doctor of Medicine may apply for membership only to that component society whose charter covers the area in which his major office for professional practice is located; provided that a Doctor of Medicine who resides in one county and practices in another may apply for membership to the component society whose charter covers the area in which his residence is located, if both such component society and the component society of the area in which his major office is located approve.

Section 8.—Membership as Affected by Transfer of Location of Office

A member who changes his office from the county through whose component county society he holds membership in this Association, to another county in which there is a component society, is eligible to membership in the component society of his new location on the presentation of a transfer card, and satisfactory evidence that his dues have been paid in full in the component society in which he holds membership; provided, however, that no evidence which would disqualify him for membership exists.

He shall forfeit his membership in this Association one year after such change of location of practice unless after proper application he is elected to membership in the society of the county to which he has moved.

Section 9.—Transfer Cards

When a member in good standing in a component society moves to another county or other jurisdiction in this state he shall, on request, be given a transfer card, without cost. He must assume such financial obligations as shall be deemed proper by the component society to which he is transferred, and to which he makes application for membership by transfer.

Section 10.—Termination of Membership

(a) *By Expulsion from Component Societies.* Expulsion from any component society, after due proceedings in accordance with these By-Laws, upon becoming final terminates all the rights and privileges in this Association of the member so expelled.

(b) *By Failure to Pay Dues.* If the annual assessments of dues, payable to this Association or to the American Medical Association by any member of this Association, are not paid in full on or before April 1 of any year, such member shall automatically lose his membership in this Association as of April 1 of such year. The Council of this Association, in its discretion, upon payment of such unpaid dues, and any other assessments or dues accruing thereafter, may at any time reinstate such member.

(c) *By Revocation of Physician and Surgeon's Certificate.* Any member whose license to practice medicine and surgery in the State of California is revoked shall, upon receipt of written evidence of such revocation by the Secretary of this Association, thereupon cease to be a member of this Association.

(d) *Acts and Conduct Subjecting Member to Censure, Suspension or Expulsion by Component Society.* Any member of a component society who has been adjudged guilty of a criminal offense involving moral turpitude, or who has been duly adjudged guilty by his component society, in accordance with the procedural requirements of these By-Laws, of gross misconduct as a physician or a surgeon or of a violation of any of the provisions of the constitution or by-laws or principles of professional conduct of his society or of the Principles of Medical Ethics promulgated from time to time by this Association or by the American Medical Association

ciation, shall be subject to censure, suspension or expulsion from his society by such component society.

CHAPTER III.—DISCIPLINARY PROCEDURE

Section 1.—Disciplinary Procedure for Component Societies

The procedure to be followed by each component society with respect to the censure, suspension or expulsion of a member shall be:

(1) *Charges; Formal Requirements; a Formal Charge Must First Be Made.* Such charge must be in writing, signed by the accuser, and if made by a person other than a member of the society must be sworn to before an officer of the State of California authorized to administer oaths. Charges must state the acts or conduct complained of with reasonable particularity.

(2) *Charges; Filing; Secretary's Duties; Presentation to Board of Directors (or Grievance Committee).* Charges must be filed with the secretary of the accused member's component society. At the first regular or special meeting of the Board of Directors (or other governing body, whether called Council, Board of Trustees, Executive Committee, or any other name, all of which are herein included in the term "Board of Directors") of such component society held after charges are filed, the secretary must present said charges to the Board. The Board of Directors shall then or at any adjournment of said meeting, but not more than thirty days after the date of such regular or special meeting, consider the charges, and in its discretion determine whether or not further proceedings shall be conducted. If the Board determines that no further action shall be taken, the charges shall be dismissed.

If a component society has no board of directors and more than ten members, its members must, at a regular meeting of the society, elect a grievance committee of not less than five (5) active members in good standing; two members shall be designated by the society to serve for a period of one year, two members shall be designated to serve for a period of two years, and one member shall be designated to serve for a period of three years. At the expiration of the terms of office of the respective members of such committee, successors shall be elected in like manner to serve for a period of three years each. Such grievance committee shall exercise all the power and perform all the duties herein conferred upon boards of directors in the manner and within the times herein provided. If a society has less than eleven members, the entire society, exclusive of the accuser and accused, shall constitute the grievance committee. All references herein to board of directors shall be deemed to include such grievance committees, and component societies of ten members or less.

(3) *Service of Charge Upon Accused.* If the Board of Directors determines that further action, with respect to said charges, shall be taken, the Board must, within fifteen (15) days after such decision, cause a copy of the charges to be served upon the accused by personally delivering a copy thereof to

him, or by depositing a copy thereof in the United States mail, registered and addressed to the accused either at his last known office or at his last known residence.

(4) *Time and Place for Hearing; Service of Notice Thereof.* The Board of Directors shall, at said meeting at which its decision to proceed is made, fix a time and place for a hearing of said charges. Written notice of the time and place set for the hearing shall be served upon the accused within fifteen (15) days by personal delivery or registered mail as aforesaid.

The time so set for a hearing shall be not less than fifteen (15) days after the accused has been served as aforesaid, with a copy of the charges and with the notice of the time and place set for the hearing; said hearing must be held within the county in which the accused holds his county society membership. The hearing before the Board of Directors must actually commence within six months from the date of the filing of written charges. Failure to comply with this requirement shall constitute an automatic dismissal of the charges.

(5) *Right of Accused to Answer; Time to Answer; Formal Requirements.* The accused may, not less than five (5) days before the time set for a hearing, answer said charges. The answer shall be in writing and the original and three copies shall be filed with the secretary of the society; provided, however, that the failure of the accused to answer shall not be deemed to be an admission of the truth of the charges or a waiver of the accused's right to a hearing with respect to said charges.

(6) *Rules Governing Hearing; Duties of Referee of Society; Advice as to Procedure Only.* The Board of Directors shall give ample opportunity both to the accuser and the accused to be heard in person, and to present all testimony, evidence, or proofs which the accuser or the accused may deem necessary, provided that the Board may reject all testimony, evidence, or proofs, which in the judgment of the Board are immaterial, irrelevant or unnecessarily repetitious.

Either the Council or the Executive Committee of the California Medical Association, whenever it shall come to the attention of either thereof that a disciplinary proceeding is pending before any component society, may of its own motion, and shall, upon the request of such component society or of the member or members thereof the subject of any such disciplinary proceeding, appoint a referee who may, but need not be, a member of the California Medical Association, and shall cause the Secretary of the California Medical Association to notify the secretary of such component society of such appointment. The referee so appointed shall preside at the hearing of said charges and shall make all decisions concerning the admission or rejection of testimony or other evidence and procedure. The referee shall not, however, have any voice nor participate in any manner in the determination by the Board of Directors of the disposition of the charges. During the hearing the referee shall perform all duties normally per-

formed by the presiding officer of the Board of Directors.

(7) *Record of Proceedings; Shorthand Reporter; Duty of Secretary to Preserve Board Records; Right of Accused to Copy.* The secretary shall preserve the original of said charges with a certificate of personal delivery or of mailing of a copy or copies thereof, as the case may be, the original notice of the time and place set for the hearing with a certificate of personal delivery or of mailing of a copy or copies thereof, as the case may be, and the original of the answer filed by any member accused if an answer be filed. At the hearing, the Board of Directors shall, at the expense of the society, employ a competent shorthand reporter to record and transcribe into typewriting testimony adduced on behalf of the accuser and the accused and all rulings made. The original charges with certificate of service thereof, the original notice of time and place for hearing with certificate of service thereof, the answer or answers, if any be filed, all documentary evidence introduced at the hearing, the typewritten transcript of the testimony and the written decision of the Board of Directors shall constitute the record of the entire proceedings. The Secretary shall, upon receipt from accused of a sum sufficient to defray the cost thereof, cause a copy or copies of such record to be transcribed, certified and furnished to the accused.

(8) *Decision of Board; When Must Be Written; Rules Governing Vote of Board.* The Board of Directors, after having given the accuser and the accused member full opportunity to be heard, shall conclude the hearing and shall render its decision in writing not more than thirty (30) days thereafter. Hearing shall include any oral arguments and the filing and consideration of any written briefs. The Board of Directors by a two-thirds affirmative vote of all the eligible members of the Board present and voting may exonerate or may censure, suspend or expel the accused member as the facts in its opinion may justify.

The decision of the Board of Directors may be expressed in resolution adopted by said vote. The decision may, but need not, contain an opinion and need only be signed by the secretary or the acting secretary of the component society.

The failure of at least two-thirds of all the members of the Board of Directors present and voting to agree upon the disposition of the charges shall act automatically as a dismissal of the same. No member of the Board of Directors not present at the said hearings for the entire time thereof shall be entitled to vote with respect to the disposition of the charges.

(9) *Suspension; Maximum Period; Status of Suspended Member.* If the Board of Directors shall determine to suspend an accused member, the term of such suspension shall be within the discretion of the Board, provided that in no case shall a member be suspended for a period greater than one year. A suspended member shall have no rights or privileges in the society, provided that at the expiration of the period of suspension such suspended member shall

not be reinstated to membership in good standing until he applies for reinstatement and pays all dues accrued during said period of suspension.

(10) (a) *Board's Decision; Secretary to Send Copies.* Within ten (10) days after the decision of the Board of Directors, the secretary of the society shall transmit a copy of the decision to the Board, to the accused member or members and to the Secretary of this Association.

(b) *Board's Decision Final; Subject to Appeal.* The action of the Board of Directors of a component society shall be final, subject only to appeal to the Council of the California Medical Association in such cases as are provided in these By-Laws.

The decision of the Board of Directors shall not become effective until the expiration of ten days after time during which an appeal may be taken to the Council of this Association. Filing an appeal with the Secretary of this Association shall automatically stay the execution of the decision of the Board of Directors of the component society until written notice of the action of the Council of this Association with respect to appeal has been received by the secretary of the component society from which the appeal was taken.

(c) *Technical Rules of Evidence Not to Govern Disciplinary Hearings.* All hearings with respect to the disposition of charges against a member of a component society shall be held and conducted in such manner as to ascertain all the facts fairly to the accuser and accused, eliminating all formal or technical rules and requirements which ordinarily pertain to judicial proceedings.

(d) *Members Agree That No Cause of Action Shall Accrue.* Any person so charged, censured, suspended, or expelled shall have no claim or cause of action against this Association, a component society or any member, director, councilor or officer, thereof by reason of such charges, or the hearing or the consideration thereof or censure, suspension or expulsion therefor.

(e) *Expelled Members; Right to Apply for Membership; When Accrues.* Any person whose membership has been involuntarily terminated in a component society by reason of violation of these By-Laws may apply for membership after the expiration of one year from the date said membership was terminated, and such application shall be considered in the same manner as a new application for membership.

Section 2.—Procedure for Appeal to Council

A member of a component society censured, suspended or expelled by his county society may appeal from the action of such component society to the Council of this Association within the period of two months succeeding the date of such censure, suspension, or expulsion. Appeals shall be in writing and be filed within the said period of two months in the office of the Secretary of this Association. Said appeal shall be accompanied by a copy of the record of the entire proceedings before the component society duly certified by its secretary, provided the Chairman

of the Council may, in his discretion, extend the time of the appellant to file said record. Upon the filing of an appeal the secretary shall present it to the first subsequent meeting of the Executive Committee or the Council. Appeals shall be heard by the Council only after reasonable notice of not less than ten (10) days in writing of the time and place of the hearing of the appeal has been given to the appellant member and the president and secretary of the component society as provided in Section 4 hereof.

Section 3.—Rules Governing Appeals

In hearing appeals, the Council shall review all questions of procedure, and may, in its discretion, review the evidence contained in the record of the original proceedings held before the Board of Directors of the component society. The Council may make findings of fact contrary to, or in addition to, those made by said Board of Directors. Such findings may be based on the evidence adduced before said Board of Directors, either with or without the taking of evidence by the Council. The Council shall use any lawful means which in its judgment will best and most fairly present all the facts involved. The Council may, for the purpose of making such findings or for other purpose in the interest of justice, take additional evidence of or concerning facts material to the questions involved, or may, for such purpose, appoint a committee of its members or any notary public to act as referees or referee for the taking of such additional evidence.

Such referee or referees shall render a report in writing to the Council, which report shall contain a clear statement of the facts found by the referee or referees from the testimony or evidence adduced.

The Council may affirm, reverse or modify the decision of the Board of Directors or make such other disposition of the proceedings as it may deem proper.

In every case of an appeal the individual councilors and the Council, through a committee thereof, prior to any hearing being held upon the appeal, shall exert all proper efforts at conciliation and compromise.

This Association may be represented by its attorney to advise the Council upon procedural questions only.

The decision of the Council shall be final and bind the appellant member and the component society.

CHAPTER IV.—SESSIONS AND MEETINGS; SCIENTIFIC SECTIONS

Section 1.—Division of Scientific Work

(a) *Scientific Sections.* The scientific work of the Association shall be divided into fifteen scientific sections, as follows: General Medicine; General Surgery; Pediatrics; Eye, Ear, Nose and Throat; Urology; Anesthesiology; Obstetrics and Gynecology; Radiology; Industrial Medicine and Surgery; Pathology and Bacteriology; Dermatology and Syphilology; Neuropsychiatry; General Practice; Public Health; and Allergy.

(b) *Rules of Procedure of Scientific Sections.* Each scientific section shall adopt rules of procedure for its own better government and work. Its officers shall be responsible for the proper keeping of records of scientific and business meetings.

(c) *Officers of Sections.* The members of each section shall at the regular annual session of the Association elect a chairman and a secretary to serve for the term of one year.

(d) *Program.* Each of the sections shall present a scientific program at the annual session of the Association, and its officers shall be responsible for the proper preparation of the same, and for the proper cooperation with other scientific sections during the annual meeting.

Section 2.—Registration at Annual Sessions Necessary for Participation Therein

Each member in attendance at any session shall register, after his right to membership has been verified by reference to the records of this Association. No member shall take part in any of the proceedings of any session until he has complied with the provisions of this section of the By-Laws.

Section 3.—Addresses and Papers at Annual Session

(a) The program at Annual Sessions shall be divided between general meetings and section meetings as the Council shall deem appropriate.

(b) At the General Meetings shall be delivered the annual address of the President and, with the sanction of the Council, such other addresses and reports as may be deemed desirable.

(c) Excepting the President's address and such other addresses and reports as the Council may determine, no address or paper shall occupy more than twenty minutes in delivery.

(d) No member, except by unanimous consent, shall speak more than once in the discussion of any paper nor longer than five minutes at any one time. This subsection of the By-Laws shall be printed on all programs of general and section meetings.

Section 4.—Scientific Papers Property of Association

All papers read before this Association shall be its property.

Each paper, when it has been read, shall be deposited with the secretary of the section, by him to be promptly turned over to the Secretary of the Association.

Section 5.—Scientific Papers Not to Be Published Elsewhere

Authors of papers read before this Association shall not cause them to be published elsewhere except with the consent of the Committee on Publications.

Section 6.—Committee on Arrangements for Annual Session

(a) *Appointment and Duties.* The Chairman of the Council, subject to the approval of the Council, shall, at least six months before each annual session,

appoint a Committee on Arrangements for the sessions of the ensuing year, one member thereof being designated as the general chairman. This committee shall consist of five members.

The Secretary-Treasurer of the Association shall be ex officio a member of this committee.

This committee shall have charge of all local arrangements not otherwise provided for.

The terms of office of members of this committee shall expire when the succeeding committee on arrangements is appointed.

As the local Committee on Arrangements this committee shall provide suitable meeting places and shall have general charge of all local arrangements. The committee shall have power to appoint local advisory members and subcommittees to aid in its work.

(b) *Commercial Exhibits.* The Council shall decide what portion of the income from commercial exhibits or other convention services shall go to the local Committee on Arrangements. The location and rules for the commercial exhibits and other accessory annual session activities shall be subject to the approval of the Council.

(c) *Local Convention Expenses.* The Council shall decide what portion of the local expenses shall be borne by the Association.

(d) *Report on Committee on Arrangements.* The Committee on Arrangements shall make and file with the Secretary-Treasurer of the Association an itemized, detailed report of all its receipts and disbursements, and shall remit any moneys due the Association remaining in its possession, to the Secretary-Treasurer.

Section 7.—All Meetings of Same Session Shall Be in Same Locality

The general meetings of the Association, the meetings of the House of Delegates, and the meetings of the Scientific Assembly and its sections at any session shall be held in the State of California at the same locality and in buildings as convenient of access, one to the other, as may be possible.

CHAPTER V.—HOUSE OF DELEGATES

Section 1.—Secretaries of Component Societies To Furnish Lists of Delegates and Alternates: Election and Lists

Each component society shall elect a delegate and one alternate for such delegate in an aggregate number of delegates and alternates equal to the total number of delegates and alternates to which the component society is entitled. At least sixty days prior to the next scheduled session, the secretary of each component society shall forward to the Secretary-Treasurer of the Association, on forms provided by the Association, the names and addresses of each delegate and his alternate elected by such component society, and shall certify thereon the dates of election and expiration of terms of service of each delegate and his alternate.

Failure to conform to this provision shall constitute grounds for disqualification of the delegation

in default for the scheduled session, at the discretion of the House of Delegates.

Section 2.—Representation

Commencing with the 1952 regular session of the House of Delegates, each component society shall be entitled to two delegates with one additional delegate for each one hundred active members, or fraction thereof, over and above its first one hundred active members, as of the first day of the preceding November.

Section 3.—Limitations on Seating of Delegates

Only duly elected delegates or their elected alternates may be seated at any session of the House of Delegates unless the Secretary of the Association has been given due notice of substitution at least fifteen (15) days in advance of the session.

Section 4.—Disqualification of Delegates or Alternates for Absence From a Session

Any delegate absent without good cause from two or more consecutive meetings of the House of Delegates, and who has failed to give fifteen days' notice to the Secretary of the Association of his inability to be present, shall thereupon be disqualified as a delegate and, in addition, ineligible for reelection as a delegate or alternate for three years immediately succeeding the expiration of his term; except that the Committee on Credentials may excuse absence on presentation of good cause therefor.

Section 5.—Notification of Delegates

The secretary of each component society promptly shall notify in writing each delegate and alternate immediately after his election to such office, and shall expressly direct each delegate's and alternate's attention to the provisions of Section 4 above.

Section 6.—Qualifications of Delegates and Alternates

At least three (3) years' active membership in good standing in the component society immediately preceding election shall be required for election as delegate or alternate.

Section 7.—Sessions and Meetings

(a) In each year there shall be two regular sessions of the House of Delegates; the time and place of such sessions to be determined by the Council as far as possible in advance and notice thereof published in the Journal of the Association. One of these sessions shall be held in the first six months of each calendar year and is designated the Annual Session; the other shall be held in the last six months of each calendar year and is designated the Interim Session.

(b) In addition to regular sessions, special meetings of the House of Delegates may be called at any regular or special meeting of the Council, by a two-thirds vote of all the members of the Council, or by written call stating the object of the meeting, filed with the Secretary in the office of the Association and signed by one-half or more of the members of the House of Delegates. Upon the filing of such call

with the Secretary, the Council shall within thirty (30) days thereafter fix the time and place for the holding of such special meeting and cause written notice thereof stating the object of the meeting to be sent by United States mail, postage fully prepaid, to each member of the House of Delegates, addressed to him at his office or place of residence, as shown by the records of the Secretary's office, at least fifteen (15) days prior to the date of the meeting.

(c) Resolutions and other new business may be introduced at either regular session, but shall not be acted upon until the next regular session; provided, however, that any resolution designated as an emergency measure may be acted upon at the session in which it is introduced, but shall require a two-thirds affirmative vote for adoption.

Section 8.—House of Delegates Committees

Prior to or at the commencement of each annual session the Speaker of the House shall appoint from the members thereof the following committees:

1. A Committee on Credentials,
2. A Reference Committee on Finance, to review the reports of the Secretary-Treasurer and Executive Secretary and to study and make recommendations to the House of Delegates on the budget submitted by the Council and the amount of dues for the ensuing year.
3. A Reference Committee on the reports of Officers, Council, Standing and Special Committees, and
4. Two or more Reference Committees on resolutions, amendments to the Constitution and By-Laws, and new and miscellaneous business (the Speaker may allocate amongst these committees all business properly referable to them).

Section 9.—Membership of Credentials and Reference Committee

Each of the aforesaid committees shall consist of three members, the chairman of each to be designated by the Speaker.

The Speaker, the House concurring, shall refer said reports, resolutions, and business to the respective Reference Committees, but may allocate among them any of said reports, resolutions or portions thereof, and other business, to avoid duplication and to expedite the business of the House of Delegates.

Each Reference Committee shall prepare a written report dealing with and making recommendations on all matters submitted to it. In those instances in which resolutions or other matters remain before a Reference Committee between meetings of the House of Delegates, copies of such resolutions or other matters and the recommendations of the committee thereon shall be mailed or delivered by the Secretary to each elected delegate and alternate at least thirty days (or if less than thirty days intervenes between meetings, as early as possible) prior to the meeting of the House of Delegates at which such resolutions or other matters and recommendations concerning them are to be considered. The report of each committee may be acted upon as a

whole or section by section, as the House may determine.

Section 10.—Duties of Credentials Committee

The Secretary of the Association shall supply the Committee on Credentials with the necessary information concerning the membership of the House of Delegates.

The Secretary shall give this committee a list of component societies, showing the total membership as of November 1 of the preceding year. This committee shall ask each delegate and alternate to present his written credentials, but shall accept the official written list submitted by the secretary of any component society; provided that such written list be sent to the Secretary of the Association at least fifteen days before the beginning of the annual session.

The Committee shall make a written report to the House of Delegates of the delegates and alternates entitled to membership therein.

Section 11.—Special Committees of House of Delegates

The Speaker, the House of Delegates concurring, shall have the right to appoint special committees of the House for special work. All committees of the House of Delegates shall present their reports to the House of Delegates in writing.

CHAPTER VI.—COUNCIL

Section 1.—Council: Organization

At the first meeting of the Council held after the adjournment of the last meeting of the House of Delegates at the annual session of the Association, the Council shall organize by the election of one of the Councilors as Chairman of the Council, who shall serve as such up to the first Council meeting held after the adjournment of the last meeting of the House of Delegates of the next succeeding annual session of the Association; and a Vice-Chairman who shall hold office for the same term, and who, in the absence of the Chairman, shall perform the duties of the Chairman. The Secretary-Treasurer of the Association shall serve as the Secretary of the Council.

Section 2.—Registry

The Secretary-Treasurer, in writing, shall request each Councilor to register his address where he desires all notices to be sent to him by mail or telegram.

Section 3.—Order of Business

At meetings of the Council, business shall be transacted as the Council may determine from time to time by resolution.

The Council shall provide and fix the order of business of the House of Delegates at each session, provided that the House of Delegates may change the order of business by a majority vote.

Section 4.—Executive Committee of Council

The Executive Committee shall consist of the President, President-Elect, Chairman of the Council,

Chairman of the Auditing Committee, and one other member of the Council (elected by the Council at its organization meeting each year). The Secretary-Treasurer and Editor shall be members ex officio, but without the right to vote. The organization, duties and powers of the Executive Committee shall be as provided in the By-Laws.

Section 5.—Auditing Committee of Council

The Chairman of the Council, subject to its approval, shall appoint an auditing committee of three members, designating one of the members as its chairman.

The Auditing Committee shall inspect all bills and claims against the Association, and no bill or claim shall be paid except upon voucher or draft having the approval of at least two of the three members of the Auditing Committee; provided, however, that any bill or claim may be paid without the approval of any member of the Auditing Committee by a majority vote or written approval of a majority of all the members of the Executive Committee.

Section 6.—Duties of District Councilors

Each District Councilor shall be organizer, peace-maker and censor for his district. He shall visit each county in his district at least once a year for the purpose of organizing component societies where none exist, of inquiring into the condition of the profession, and of maintaining touch with the activities of the component societies of his district. He shall in writing make an annual report of this work and of the condition of the profession of each county in his district to the Council, which shall take such action thereon as it may deem best.

Section 7.—Expenses of Councilors and Officers

Councilors and officers shall be allowed railroad fare or mileage not exceeding 5 cents a mile, plus an allowance for maintenance expense of ten dollars a day, while absent from their places of residence; (a) in attending Association, district or county society meetings; (b) meetings of committees of the Association; (c) authorized councilor or officer visits to county societies; (d) and otherwise when on official business, authorized or approved by the Council.

Section 8.—Mail Ballot

The Chairman of the Council, at any time, may direct the Secretary to submit any urgent matter or question to the members of the Council by mail ballot, the question or proposition being prepared through conference of the Secretary with Chairman of the Council and the Chairman of the Executive Committee; and the vote of two-thirds of the members upon such question by mail or telegraph shall be binding upon the Council.

Section 9.—Offices

The Council shall provide and secure such offices for the Association as may be required to conduct its activities and business properly.

Section 10.—Employment of Secretary-Treasurer, Assistant Secretaries, Editor and Associate Editors

The Council shall employ a Secretary-Treasurer and an Editor, and, in its discretion, one or more Assistant Secretaries or Associate Editors. The terms of their employment shall be such as are satisfactory to the Council, provided, however, that no contract of employment shall, by its terms, exceed a period of three (3) years from the date of the organization meeting at which such contract is authorized.

Section 11.—Qualifications of Secretary-Treasurer and Editor

No person shall be eligible to the office of Secretary-Treasurer or Editor or Associate Editor who does not hold the degree of Doctor of Medicine, but membership in this Association shall not be a necessary qualification for the offices of Secretary-Treasurer, Editor or Associate Editor.

Section 12.—Executive or Field Secretaries or Representatives

The Council may employ one or more Executive or Field Secretaries or representatives, who need not be physicians or members of the Association. The duties of such a representative or representatives, if appointed, shall be determined by the Council by resolution.

Section 13.—Legal Counsel

The Council at its annual organization meeting shall appoint one or more legal advisers, giving each such title as may be deemed proper. It shall fix the amount of retainer and other fees.

The Council shall have the right to request the attendance of Counsel of the Association at any meetings at which it might desire his presence and advice, and at such meetings he shall call attention to matters in which the legal aspects may be of importance, and shall give such other opinions in special matters as may be requested of him by the Council.

The General Counsel shall present in writing as promptly as the same may be properly prepared, such legal opinions as may be requested by the House of Delegates, the Council or the Executive Committee.

CHAPTER VII.—COMMITTEES

Section 1.—Standing Committees

The standing committees of this Association shall be as follows:

- (a) Scientific Work
- (b) Public Policy and Legislation
- (c) Medical Defense
- (d) Medical Education and Medical Institutions
- (e) Hospitals, Dispensaries, and Clinics
- (f) Medical Economics
- (g) Associated Societies and Technical Groups
- (h) History and Obituaries
- (i) Industrial Practice
- (j) Postgraduate Activities

- (k) Public Relations
- (l) Physicians' Benevolence Committee
- (m) The Reference Committees of the House of Delegates

until final adjournment of each regular session.

Section 2.—Standing Committees; How Elected; Term of Office

Unless otherwise provided in these By-Laws, each of the standing committees (except House of Delegates Reference Committees) shall consist of one member of the Council and two other members. Members of standing committees (other than House of Delegates Reference Committees) shall serve for a term of three (3) years. One member of each of these committees shall be nominated annually by the Council and if approved by the House of Delegates shall be deemed elected.

Section 3.—Report Procedure for All Committees

Regular standing and special committees of the Association may make investigations and surveys on authorization of the Council or House of Delegates, but all recommendations and reports of all committees (unless expressly otherwise provided in the Constitution or By-Laws) must be submitted only to the Council or House of Delegates. Other than as herein stated no committee is authorized to act for or represent this Association.

Section 4.—Advisory Groups to Standing Committees

To aid it in its work, each committee, if it so desires, shall have the power to appoint an Advisory Group to its committee, consisting of from two to ten members. Such advisory members, if present at a regular committee meeting, shall not have the right to vote.

Section 5.—Officers of Standing Committees

The chairman of each of these committees, except the Committee on Public Relations, shall be nominated and elected annually by the Council, by and with the approval of the House of Delegates. The chairman of the Committee on Public Relations shall be elected by said committee, subject to the approval and confirmation of the Council, and in the event of a failure to elect within sixty days after adjournment of the annual session the Council shall elect said chairman. Each of these committees shall, each year, except as otherwise provided in these By-Laws, at its first meeting or official consultation, during or following the annual session elect its own secretary.

Section 6.—Secretary-Treasurer's Notice to Standing Committees

The Secretary-Treasurer of the Association, within one month after the annual session, shall write the Committee Chairman of the preceding year, to call a meeting for organization and consideration of any business. The Secretary shall also send a copy of this letter to each of the other members of the committee.

Section 7.—Annual Reports of Standing Committees

At least sixty days prior to the annual session, each of these committees shall submit a written report to the Council on its work during the preceding year, the same to be printed in the Pre-Convention Bulletin as otherwise provided.

Section 8.—Committee on Scientific Work

The Committee on Scientific Work shall consist of the Secretary-Treasurer, the secretaries of the sections on general surgery and general medicine and three other members to be elected by the Council, each of these three members to serve three years, one member being elected each year. The Secretary-Treasurer shall be chairman.

This committee shall determine the character and scope of the scientific proceedings of the Association for each session, and shall invite the guest speakers, subject to the instructions of the Council.

At least thirty days previous to each annual session it shall prepare and issue a program announcing the order in which papers and discussions shall be presented.

This committee shall have one joint session with the section secretaries, at a time and place to be designated by the chairman of the committee, at least forty-five days prior to the annual session, to coordinate more efficiently the various activities of the Association at its annual session. The chairman of the local committee on arrangements shall be invited to attend this meeting.

Section 9.—Committee on Public Policy and Legislation

The Committee on Public Policy and Legislation shall consist of three elected members, and ex officio, the President and President-Elect.

The chairman of the committee, and in his absence, the President, shall act as chairman at the joint meetings of this central state group and of auxiliary county groups.

(a) *Functions of the Committee.* The Committee on Public Policy and Legislation and its auxiliary county groups shall represent the Association in securing and enforcing legislation in the interest of public health and of scientific medicine, subject, however, to the approval of the Council.

(b) *County Auxiliary Committees on Public Policy and Legislation.* Each component society shall appoint or elect three of its members as members of its auxiliary Committee on Public Policy and Legislation, designating one member as chairman; and the component society secretary shall send promptly the names and addresses to the Secretary of this Association.

(c) *Work of Auxiliary County Committees.* The Committee on Public Policy and Legislation of this Association, with the sanction of the Council, shall formulate the duties of these county auxiliary committees and supply each member with a copy of its suggestions and instructions. The auxiliary committeemen shall be accountable to their component societies and to the Council of this Association for

prompt and continued cooperation with the Committee on Public Policy and Legislation of this Association.

Section 10.—Committee on Medical Defense

The Committee on Medical Defense, subject to the approval of the Council, shall prepare plans and establish rules for the protection of the legal rights of members of this Association against whom suits for alleged negligence have been threatened or brought.

It may assist in the defense of any member sued for alleged negligence if the member was in good standing and had complied with the rules of the Council when the service on account of which suit was threatened or brought was rendered—provided that the committee determines that the position of the member merits such action.

Section 11.—Committee on Medical Education and Medical Institutions

The Committee on Medical Education and Medical Institutions shall serve in this State for the Council on Medical Education of the American Medical Association.

It shall keep in touch with the problems pertaining to medical education and to medical and other institutions of training for medicine and the healing art.

Section 12.—Committee on Hospitals, Dispensaries and Clinics

The Committee on Hospitals, Dispensaries and Clinics shall serve in this State for the Council on Hospitals of the American Medical Association.

It shall keep in touch with the problems arising in the fields of work of all types of hospitals, dispensaries and clinics giving special attention to those activities that are, or tend to become, a menace to the best interests of scientific medicine and of the profession and its members.

Section 13.—Committee on Medical Economics

The Committee on Medical Economics shall investigate matters affecting the economic status of doctors of medicine.

Section 14.—Committee on Associated Societies and Technical Groups

The Committee on Associated Societies and Technical Groups, subject to the instructions of the Council, shall endeavor to create proper liaisons between this Association and other state and national medical organizations, as well as with the organizations of related professions, such as dentistry, pharmacy and nursing. It shall also endeavor to bring about a proper understanding with non-medical organizations or groups of technicians and others whose work has a bearing on or is related to the practice of medicine.

Section 15.—Committee on History and Obituaries

The Committee on History and Obituaries shall compile and prepare for the archives and for the pub-

lications of the society suitable articles on the history of the Association and statements concerning deceased members. The Editor and the Secretary shall be members of this committee, ex officio.

Section 16.—Committee on Industrial Practice

The Committee on Industrial Practice shall keep in touch with matters and problems peculiarly connected with industrial practice.

Section 17.—Committee on Postgraduate Activities

The Committee on Postgraduate Activities, of which the Secretary-Treasurer shall be an ex officio member, shall use its best efforts to promote the postgraduate and clinical courses and instruction among the component county units of the Association.

The supervision of such postgraduate and clinical courses and instruction shall be carried on through the central offices of the Association, the Council being empowered to defray travel expenses of guest speakers and other costs incident to such work to such amount as in the judgment of the Council may be deemed proper. In the development of such postgraduate and clinical courses and instruction, it is stipulated that the component societies, through their constituted representatives, shall cooperate with the Standing Committee on Postgraduate Activities and shall also arrange to bear a proper proportion of the expense thereof of such amount as may be mutually agreed upon.

Section 18.—Committee on Public Relations

The Committee on Public Relations shall consist of the chairmen of the following committees: Public Policy and Legislation, Medical Economics, Associated Societies and Technical Groups, the President, President-Elect, and two additional members appointed by the Council.

The committee shall be responsible to the Council and the House of Delegates for all of its activities.

The Council or the Executive Committee may instruct the Committee on Public Relations, and outline to it certain policies and duties which shall be executed through the Director of Public Relations. In the event of any disagreement between the committee and the Council or the Executive Committee as to any activity or policy, the decision of the Council, after full discussion and hearing, shall be final.

The committee shall make recommendations to the Council for approval as to the time, the place, the number of meetings and the budget of the Department of Public Relations, provided that the Secretary shall call the first meeting of the committee within thirty (30) days following the annual meeting of the Association.

The Director of Public Relations shall be appointed by the Council (after consultation with the Committee on Public Relations) annually at the organization meeting of the Council. He shall serve

at the pleasure of the Council and the Committee. He shall act under the supervision and instruction of the chairman of the committee in such matters as shall be approved and sanctioned by the committee, and be responsible to the committee.

The Council shall arrange with the general counsel to give the committee all legal aid.

The committee shall annually at its first meeting elect its own chairman, subject to the approval and confirmation of the Council. The Secretary of the Association shall be ex officio secretary. A majority of the committee shall constitute a quorum.

Section 19.—Physicians' Benevolence Committee

The Physicians' Benevolence Committee shall consist of three (3) members whose appointments and terms of office shall be as provided in Section 2 of this Chapter.

The committee shall be responsible to the Council and the House of Delegates for all of its activities.

The committee shall administer those funds, of this Association, hereinafter designated as comprising the Physicians' Benevolence Fund.

The committee's administration of said fund shall be subject to the provisions of this section.

(a) The funds which may from time to time be allocated to it, from the general funds of the Association, by the Council, are the funds for this committee.

(b) All bequests, voluntary contributions, and donations, from any source whatever, that may be received by this Association for the express and implied purpose of aiding needy members, and

(c) All other funds from whatever source derived, except Accounts Receivable, payments for indebtedness to this Association, Dues and Assessments received by this Association, which the payer, donor, or other person transferring the funds, expresses the intent that such funds shall be for aid to needy members.

Funds contained in the Physicians' Benevolence Fund may from time to time be disbursed by the Physicians' Benevolence Committee.

Section 20.—Publication of Committee Reports in Pre-Convention Bulletin

Reports of the standing and special committees, as approved, deleted or modified by the Council, shall be published in a pre-convention bulletin or in the official journal of the month preceding the date of the annual session of the Association. Such reports must be in the hands of the Secretary-Treasurer at least sixty days in advance of the annual session.

If a committee fails to send in its report in proper time, the name of the committee and the names of its members shall be printed as above indicated, with a statement that the committee failed to send in its report, and the Council, subject to the approval of the House of Delegates, shall be empowered under such conditions to make such changes in the person-

nel of the committee as in its judgment may be deemed best.

Section 21.—Additional Committees

The House of Delegates and the Council are authorized and empowered to appoint special committees, with special instructions as to work to be undertaken, whenever it is deemed impractical or improper for the contemplated duties to be performed by a standing committee.

CHAPTER VIII.—ELECTION OF OFFICERS: TERMS

Section 1.—President-Elect—When and How Elected: Term of Office

The House of Delegates at each Annual Session thereof shall elect the President-Elect to serve until the adjournment of the final meeting of the House of Delegates at its next Annual Session. At the conclusion of the final meeting of the House of Delegates at its next Annual Session, such President-Elect shall assume the office of President, and serve as such for the term of one year thereafter, or until his successor assumes office.

Section 2.—Speaker and Vice-Speaker of House—When Elected: Term of Office

The House of Delegates shall at the Annual Session thereof elect a Speaker of the House of Delegates and a Vice-Speaker of the House of Delegates, each to serve for the term of one year, or until their successors are elected and assume office. The Speaker and Vice-Speaker shall be members of the House of Delegates at the time of their election.

Section 3.—Delegates to the American Medical Association

The House of Delegates shall elect delegates and alternates to the House of Delegates of the American Medical Association in accordance with the Constitution and By-Laws of that organization.

Section 4.—Officers Elected by House of Delegates

Those officers who under the Constitution are elected by the House of Delegates shall be elected at the second meeting of the House at the Annual Session thereof.

Section 5.—Election of Ballot: Number of Votes Necessary

(a) All elections of officers shall be by ballot; provided, that by a two-thirds vote of the members present and acting election by ballot may be waived.

(b) A majority of the votes cast shall be necessary to elect any officer.

(c) In case no nominee receives a majority of the votes on the first ballot the nominee receiving the lowest number of votes shall be dropped and a new ballot taken. This procedure shall be continued until one of the nominees receives a majority of all the votes cast, when he shall be declared elected.

Section 6.—Election of District Councilors

At least twenty-four hours prior to the second meeting at each annual session of the House of

Delegates the delegates from those districts in which Councilor vacancies are about to occur shall separately meet, and in each district the delegates shall elect a chairman and a secretary. At such caucus the delegates in each district shall by nomination, secret ballot and majority vote of the delegates present elect a district Councilor from such district to serve for the ensuing term. The chairman of the district delegation shall then report at the second meeting of the House of Delegates the results of the election, and when such report is made the member elected shall thereupon assume office as a district Councilor. The time and place of the caucus of each district delegation shall, in the absence of unanimous written consent by the delegates from the district fixing time and place, be fixed by the Speaker and announced at the first meeting of the House of Delegates at each annual session. In the event that at any district caucus no person receives a majority vote for district Councilor after repeated ballots, the chairman of the caucus shall report such fact at the second meeting of the House of Delegates and shall also report the names of all nominees submitted to the caucus, whereupon the House of Delegates shall proceed to elect from such nominees the district Councilor from such district.

Section 7.—When Terms of Office of Speaker, Vice-Speaker and Councilors Begin

The terms of office of the Speaker and Vice-Speaker of the House of Delegates (which terms are herein generally stated to be one year) and the terms of office of the Councilors (which terms are herein generally stated to be three years) shall commence immediately upon the adjournment of the last meeting of the House of Delegates of the Annual Session of the Association at which such officers are elected, and shall continue up to the adjournment of the last meeting of the House of Delegates at the Annual Session of the Association of the year in which the term of office ends.

Section 8.—Officers to Hold Office Until Successors Are Elected and Assume Office

Every officer shall hold office until his successor has been elected and has assumed office either in person or by announcement.

Section 9.—Vacancies in Office

(a) In case of vacancy in the offices of both President and President-Elect, the chairman of the Council shall act as the Acting President until a President is elected at the next Annual Session of the House of Delegates.

(b) The Council by appointment shall fill any vacancy in office not otherwise provided for in the Constitution or these By-Laws, which occurs during the interval between the Annual Sessions of the House of Delegates. Such appointee shall serve until the next Annual Session or until his successor has been elected and has assumed office.

CHAPTER IX.—POWERS AND DUTIES OF OFFICERS

Section 1.—Duties of the President

The President shall preside at all meetings of the Association.

He shall appoint all committees not otherwise provided for; he shall deliver an address at the regular session at such time as may be arranged, and shall perform such other duties as custom and parliamentary usage may require, or as the House of Delegates or the Council may direct.

He shall be the real head of the profession of the state during his term of office, and, as far as practicable, shall visit, by appointment, the various sections of the state and assist the Councilors in building up the component societies, and in making their work more practical and useful. The Council shall decide what portion of the expenses incurred on his official visits shall be paid by the Association.

He shall be ex officio a member of all committees of the Association.

Section 2.—Duties of the Secretary-Treasurer, Executive Secretary and Field Representatives

The duties of the Executive Secretary and Field Representatives may be such as are delegated to them by the Council, and may be any and all duties as are specified under the various provisions of this section.

(a) *Minutes.* The Secretary-Treasurer (who may also be referred to as Secretary or Treasurer) shall attend the general meetings of the Association, the meetings of the House of Delegates, of the Council and of the Executive Committee, and shall keep minutes of their respective proceedings in separate record books.

(b) *Custodian of Records.* He shall be custodian of all record books and papers belonging to the Association. He shall have the custody of the seal of the Association.

(c) *Contracts.* He shall countersign all contracts, agreements, conveyances, transfers or other instruments to which the Association is a party, the execution of which has been authorized by the House of Delegates or Council.

(d) *Checks.* The Secretary-Treasurer shall sign and issue checks or drafts only upon vouchers approved and signed by at least two of the members of the Auditing Committee or as otherwise provided.

(e) *Advertisements in Association Publications.* The Secretary-Treasurer, subject to instructions by the Council, shall carefully examine, approve, modify or reject all material for advertising in any of the publications of the Association, and shall, in all cases of doubt, refer such proposed advertisements to the Executive Committee or the Council for decision. He shall, with the approval of the Council or the Executive Committee, execute, for the Association, written contracts relating to advertising in the form approved by the Council, subject to instructions by the Council.

(f) *Registrar at Annual Sessions.* He shall provide for the registration of the members and delegates at the Annual Session.

(g) *Index Register of California Medical Licentiatees.* He shall, with the cooperation of the secretaries of the component societies, keep a card-index register of all the licensed practitioners of the state by counties, noting the status of each in relation to his component society; and shall transmit a copy of this list to the American Medical Association, transmitting to its secretary each month a report containing the names of new members and the names of those dropped from the membership roster during the preceding month.

(h) *Register of Component Societies, Their Members and Officers.* He shall keep a register of all component societies, their respective officers, and of all members of the Association, with their addresses, and shall compile an annual directory of the same. He shall print in the January or February issue of the official journal the number of active members of each component society as of November 1st of the preceding year.

(i) *Notices.* He shall give all notices required by the Constitution and By-Laws of this Association, or by order of the Council, or of the Executive Committee, or by law.

(j) *Correspondence and Notifications to Committees.* He shall conduct the official correspondence, promptly notifying members of meetings, officers of their election, and committees of their appointment and duties, as outlined in the motions creating such committees. Such notifications shall be made in writing.

(k) *Assistants.* He shall employ and dispense with such assistants as may be ordered by the Council. The Council by resolution may outline the scope and duties of special employees acting under the Secretary-Treasurer.

(l) *Annual and Other Report Forms.* He shall supply all component societies with the necessary forms for making their annual and other reports to this Association.

(m) *Salary.* The amount of his salary shall be fixed by the Council.

(n) *Bond.* He shall give bond in such sum as may be fixed by the Council. The Association shall pay the premium on said bond.

(o) *Duties as Treasurer.* He shall as Treasurer demand and receive all funds due the Association, together with bequests and donations, and shall promptly deposit the same in one of the depositories thereof; and shall keep a proper and accurate record thereof, as well as of all funds disbursed by the Association.

(p) *Audits and Reports.* He shall subject his accounts to such examination or audit as the House of Delegates or Council may order.

He shall annually render an account of his work, and of the state of the funds in his hands, and make a report on the same and of his work as Secretary-Treasurer to the House of Delegates. He shall in

writing also make such other reports as the House of Delegates or Council may request.

(q) *Disbursement of Association Moneys.* He shall pay out the money of the Association only upon a check or draft as otherwise provided herein.

(r) *Other Duties.* He shall perform such other duties as the Council or Executive Committee may direct.

Section 3.—Duties and Powers of the Chairman of the Council

The Chairman of the Council shall preside at all meetings of the Council. He shall sign all contracts and agreements, conveyances, transfers or other instruments (other than advertising contracts) to which the Association is a party, the execution of which has been authorized by the House of Delegates or the Council. He shall sign all checks or drafts for the disbursements of funds of the Association. He shall, on behalf of the Council, deliver its annual report to the House of Delegates. He shall perform such other duties as may be imposed upon him by the Constitution or these By-Laws.

Section 4.—Duties of Vice-Chairman of the Council

The Vice-Chairman of the Council, in the absence or inability of the Chairman to act, shall be vested with all the powers and shall perform all the duties of the Chairman.

Section 5.—Duties and Powers of the Speaker

The Speaker of the House of Delegates shall preside at its meetings and shall perform such other duties as parliamentary usage may require. He shall appoint all committees authorized by the House of Delegates, unless otherwise provided.

Section 6.—Duties of Vice-Speaker

The Vice-Speaker shall act as Speaker in the absence of or at the request of the Speaker.

Section 7.—Duties of the Editor

The Editor and Associate Editor or Editors shall compile, edit and have charge of the official journal of the Association and such other publications as the Council or the House of Delegates may instruct him to undertake.

CHAPTER X.—FUNDS, PROPERTY, BUDGET AND ASSESSMENTS

Section 1.—Preparation of Budget

The Auditing Committee, prior to December 1 of any year, shall submit to the Executive Committee, for consideration at its December meeting, a budget under which the Association shall work in the fiscal year following the next annual session.

The Executive Committee, after consideration of the Auditing Committee's proposed budget, shall submit the same to the Council, prior to the spring meeting of the Council, with a report of its own containing suggested changes, additions or comments.

The Council in turn shall consider the two proposed budgets so submitted, and shall then make a

final draft of a proposed budget for the Association, to be submitted to the House of Delegates at the next annual session.

Section 2.—Dues

(a) The Council shall recommend to the House of Delegates the amount of the annual dues or assessments of Active, Associate, Affiliate and Retired members of the Association.

(b) Honorary Members shall not be required to pay any dues or assessments, annual or special.

Section 3.—Reduction of Dues

The House of Delegates may reduce annual dues of active members, as follows:

(a) Those active members who have been in the practice of medicine for less than one year (on the first day of the calendar year for which such dues are payable), may be reduced to one-fourth regular dues;

(b) Those active members who have been in the practice of medicine for less than two years (on the first day of the calendar year for which such dues are payable), may be reduced to one-half regular dues;

(c) Those active members who have been in the practice of medicine for less than three years (on the first day of the calendar year for which such dues are payable), may be reduced to three-fourths regular dues.

Section 4.—Annual Dues and Assessments

(a) *When Payable.* The annual assessment or dues shall be payable on or before January 1 of the year for which they are levied.

(b) *County Secretaries to Collect Dues.* The secretary of each component society shall cause to be collected and shall forward to the office of the Association the dues and assessments for its members.

(c) *Record of Fact of Payment of Dues.* The record of payment of dues and assessments on file in the office of the Association shall be final as to the fact of payment by a member and as to his right to participate in the business and proceedings of the Association and of the House of Delegates.

(d) *Dues of New Members; Amount Payable.* All doctors of medicine becoming active members of this Association shall pay to this Association the annual dues payable by active members for the period for which membership is obtained, except that the Council may, in its discretion, with respect to all new members who acquire membership after July 1 in each year, require payment of only one-half of the annual dues for said year. Such payment shall entitle such new member to all the rights of active membership in this Association until the end of the current calendar year.

Section 5.—Bequests, Legacies, Donations and Gifts

The Association may receive through the Council or for the benefit of the Association through any corporation which may be formed pursuant to the Constitution, such bequests, legacies, donations and

gifts as the Council shall deem it proper and suitable to accept.

Section 6.—Funds and Moneys: Deposit and Withdrawal

All funds and moneys of the Association by whomsoever received shall be promptly forwarded to the Secretary-Treasurer of the Association and deposited by him in a depository of the Association.

No demands or claims against the Association shall be paid and no funds or moneys of the Association withdrawn from any depository thereof except upon written voucher approved by the signature of at least two members of the Auditing Committee or by a majority vote or written approval of a majority of all the members of the Executive Committee on check or draft signed by any two of the following: The Chairman of the Council; the Vice-Chairman of the Council (only in the absence of the Chairman); Chairman of the Auditing Committee; the Secretary-Treasurer.

Section 7.—Revolving Fund

A revolving fund in such amount as may from time to time be fixed by the Council shall be deposited with the Secretary-Treasurer from which fund immediate cash demands may be paid.

Section 8.—Surplus Funds From Journal and Publications

On authorization therefor by the House of Delegates or the Council, any surplus funds arising from the operation of the official journal or other publications of the Association may be applied and used for any purposes deemed suitable or may be delivered and paid over to any corporation which may be formed pursuant to Article VIII, Section 1, of the Constitution.

CHAPTER XI.—REFERENDUM AND PETITION

Section 1.—Reference of Resolutions to Vote of Members

The House of Delegates may at any time, by a majority vote of those present, refer any resolution or motion pending before it to all of the active members of the Association for their vote for or against such resolution or motion. The Council may, by a two-thirds vote of all of its members and at any time within thirty (30) days after action was taken, refer any resolution or motion adopted by the House of Delegates to all of the active members of the Association for their vote for or against such resolution or motion. In addition, the Council may at any time, by a two-thirds vote of all of its members, submit any resolution or motion pending before it to all of the active members of the Association for their vote for or against such resolution or motion.

Section 2.—Form of Referendum: Arguments

The body referring any resolution or motion to the active members of the Association may, in the motion of reference, determine the form of the question to be submitted. In the event the motion of ref-

erence does not determine the form of the question to be submitted, then the form thereof shall be fixed and determined by the Council. Written arguments for and against the resolution or motion, not exceeding 1000 words each, may be submitted by any member of the Association to the presiding officer of the referring body within fifteen (15) days of the vote of reference. Such presiding officer may choose one argument on each side and same shall then be printed and mailed with the ballots.

**Section 3.—Manner of Voting; Time of Voting;
Canvass**

All references to the membership under this article shall be by mail ballot. The time within which each member shall cast his vote may be fixed in the motion of reference, and if not so fixed shall be fifteen days from the date of mailing ballots. Each vote must be in writing and the same must be placed in a sealed envelope bearing on the corner thereof the name of the voter. The envelope shall be mailed or delivered to the Secretary's office. The canvass thereof shall be made by a committee on referendums to be appointed, in the case of reference by the House of Delegates by the Speaker of the House, and in the case of reference by the Council by the Chairman of the Council. The Secretary shall deliver to such committee all ballots timely received, and the committee shall canvass the vote and report the results thereof immediately to the Secretary.

Section 4.—Effect of Referendum

To be considered adopted, any resolution or motion submitted to the membership by referendum shall require the same proportionate affirmative vote of those voting that such resolution or motion would have required to be adopted by the body (House of Delegates or Council) from which such resolution or motion was referred. Any resolution or motion submitted to a referendum and adopted shall have the same force and effect as though adopted in the body from which it was referred, and shall be considered as having been so adopted by such body. A referendum shall not be effective or binding unless a majority of the active members vote thereon.

Section 5.—Petitions

Any 100 active members or any component society may petition the House of Delegates or Council on any matter and such petition must thereupon be heard and considered at the next ensuing regular meeting of such body.

CHAPTER XII.—MISCELLANEOUS

Section 1.—Ethics

The principles of medical ethics as promulgated from time to time by the American Medical Association and by the California Medical Association are and shall be the principles of medical ethics of this Association and the component societies thereof, and shall regulate and govern all members thereof.

Interpretation of ethics about which any controversy may arise or exist shall be submitted to the Council of this Association, and its interpretation and ruling thereon shall be final.

Section 2.—Rules of Order

In the absence of any provision in the Constitution or these By-Laws, all meetings of the Association, of the House of Delegates, of the Council, and of committees shall be governed by the parliamentary rules and usages contained in the current edition of Roberts' "Rules of Order."

CHAPTER XIII.—AMENDMENTS

Section 1.—Amendments—Vote and Procedure

These By-Laws may be amended by the House of Delegates at any meeting of any session thereof by the affirmative vote of at least two-thirds of the qualified members thereof present and acting; provided, that any proposed amendment has been submitted in writing to the House of Delegates at least twenty-four hours previous to being voted upon.

**CHAPTER XIV.—REPEAL OF ALL EXISTING
BY-LAWS**

Section 1.—Repeal of Existing By-Laws

All chapters and all sections and parts of all chapters of the existing By-Laws of this Association are hereby repealed.

Regional Medical and Surgical Institutes

For this fall and winter the California Medical Association, through its Committee on Postgraduate Activities, is preparing a new series of regional postgraduate programs which are planned to become an annual event. Each one of these medical and surgical institutes will have a two-day program sponsored by a local county medical society and staffed by one of the medical schools. A registration fee of five dollars will be charged which entitles the registrant to attend any one or all of the programs, no two of which are to be alike.

The first program will be known as the Santa Barbara Medical and Surgical Institute. This institute will be held in Santa Barbara, October 12, 13, 1950, sponsored by the Santa Barbara County Medical Society and staffed by the College of Medical Evangelists under the direction of Dr. H. M. Walton, chairman of the section on postgraduate and graduate medical education of the College of Medical Evangelists.

The Committee on Postgraduate Study consists of Dr. H. V. Findlay, chairman, with Drs. L. Gordon Fiske, Benjamin H. Huggins, E. L. Markthaler, and Neville T. Usher. The meetings will be held in the Santa Barbara County Medical Society club rooms in the Bissell Auditorium at the Cottage Hospital.

The program as at present planned follows:

SANTA BARBARA MEDICAL AND SURGICAL INSTITUTE

October 12, 13, 1950

Thursday, October 12

- 8:30-9:30 a.m.—Registration.
- 9:30-10:30 a.m.—Clinical-Pathological Conference—Carroll S. Small, M.D.
- 10:30-11:15 a.m.—Borderline Psychiatric Problem Cases—George T. Harding, M.D.
- 11:15-11:30 a.m.—Intermission.
- 11:30-12:00 noon—Postgraduate Activities of the C.M.A.—John C. Ruddock, M.D.
- 12:00-2:00 p.m.—Luncheon: Discussion groups with Institute speakers.
- 2:00-2:30 p.m.—Surgical Conditions in Infancy and Childhood—J. Norton Nichols, M.D.
- 2:30-3:00 p.m.—Differential Diagnosis of Jaundice—John E. Peterson, M.D.
- 3:00-3:15 p.m.—Intermission.
- 3:15-4:00 p.m.—Differential Diagnosis of Intracranial Tumor and Vascular Disease—Cyril B. Courville, M.D.
- 4:00-4:30 p.m.—Management of Obstetrical Complications—Ralph J. Thompson, M.D.
- 4:30-5:00 p.m.—Question and answer period.
- 7:00-9:00 p.m.—Dinner: "Medico-Legal Pitfalls in Medical Practice"—Louis J. Regan, M.D., LL.B.

Friday, October 13

- 9:00-9:30 a.m.—Use of Radioactive Iodine in Diagnosis and Treatment of Thyroid Disease—Mortimer E. Morton, M.D., Ph.D.
- 9:30-10:15 a.m.—Use and Abuse of Antibiotic Therapy—Albert G. Bower, M.D.

- 10:15-11:00 a.m.—Office Urology—Roger W. Barnes, M.D. Discussion, H. V. Findlay, M.D.
- 11:00-11:15 a.m.—Intermission.
- 11:15-12:00 noon—Hyperventilation — Physiological and Clinical Significance—James J. Short, M.D.
- 12:00-2:00 p.m.—Luncheon: Discussion Groups with Assembly speakers.
- 2:00-2:45 p.m.—Iatrogenesis in the Field of Cardiac Diseases—William Paul Thompson, M.D.
- 2:45-3:15 p.m.—Value of Anorectal Examination in General Practice—Malcolm R. Hill, M.D.
- 3:15-3:30 p.m.—Intermission.
- 3:30-4:15 p.m.—ACTH and Cortisone—Physiological and Therapeutic Considerations—E. Kost Shelton, M.D.
- 4:15 p.m.—Question and answer period.

On November 2 and 3, 1950, in Fresno, the second program, known as the Fresno Medical and Surgical Institute, will be held at the Hotel Californian in Fresno. This is being prepared by a committee with Dr. C. S. Mitchell, chairman, supported by Drs. C. A. Cabell, R. A. Donald, E. R. Freeto, G. W. Olson, T. A. Collins and Joseph Balkovitz.

The lecturers and conference leaders will be furnished by the University of California at Los Angeles School of Medicine. Dr. S. J. Weinberg, head of postgraduate instruction, has selected the subjects and lecturers in conference with the local committee.

The program Thursday, November 2, will be led off with a lecture, "Preventive Medicine," by Dr. Norman B. Nelson, associate professor of preventive medicine, at 9:30 a.m. He will be followed by Dr. Charles M. Carpenter, professor of infectious diseases, speaking on the subject of "Viral and Rickettsial Diseases." At noon there will be a round table conference and luncheon. In the afternoon Dr. Daniel G. Morton, professor of obstetrics and gynecology, will speak on a selected subject in obstetrics. The second subject for the afternoon will be "Radiology" by Dr. Raymond L. Libby, associate professor of radiology.

On the second day, Friday, November 3, the morning session will be held at the County Hospital with presentation of surgical cases at 9:00 a.m., under the direction of Dr. William H. Muller, Jr., assistant professor of surgery. At 10:30 Dr. William N. Valentine, chief of the hematological section, will present a group of medical cases.

At the noon luncheon the matter of "Medical Preparation for Atomic Defense" will be discussed.

At 2 p.m., Dr. Samuel H. Bassett, chief of research section, will lecture on "Metabolism with Reference to ACTH and Cortisone." Dr. John M. Adams, professor of pediatrics, will close the session with discussion of a subject in the field of pediatrics.

The Riverside Medical and Surgical Institute is planned for January 1951. The program is now in the process of formation. Lectures will be from the staff of the Medical School of the University of Southern California under the direction of Dr. Ed-

ward Rosenow, Jr., director of postgraduate education, in conference with the Riverside County Medical Society Postgraduate Study Committee. This committee is headed by Dr. Franklin B. Mead, Dr. Helen Clark and Dr. Hugh Stephens.

The Sacramento Medical and Surgical Institute, scheduled for March 1951, will be staffed by the Stanford University School of Medicine under the direction of Dr. Wm. H. Northway, assistant dean. The meeting will be held under the auspices of the Sacramento Society for Medical Improvement. Dr. Herbert W. Jenkins, chairman of the local committee, will be assisted by Dr. Chas. J. Wallace, Jr., and others.

The Santa Rosa Medical and Surgical Institute will be held in Santa Rosa in March 1951 in the auditorium of the high school. The local committee is headed by Dr. W. E. Rogers, chairman, with Drs. Carroll Andrews, J. L. Spears, A. Morse Bowles, and Frank E. Sohler.

The program will be staffed by the University of California under the direction of Dr. Stacey R. Mettier, head of postgraduate instruction, University of California School of Medicine.

Further information regarding any of these institutes may be had from Dr. C. A. Broadbuss, Director of Postgraduate Activities, 1036 N. Center Street, Stockton 3, California.

In Memoriam

BRAZELTON, CLARA M. HOLMES. Died in Oakland, July 20, 1950, aged 83, from chronic valvular disease. Graduate of Cooper Medical College, San Francisco, 1895. Licensed in California in 1896. Dr. Brazelton was a member of the Alameda County Medical Association, and a life member of the California Medical Association.

EAVES, JAMES. Died in Oakland, July 3, 1950, aged 66, of a heart attack. Graduate of the University of Edinburgh Faculty of Medicine, Edinburgh, 1910. Licensed in California in 1912. Dr. Eaves was a member of the Alameda County Medical Association, the California Medical Association, and a Fellow of the American Medical Association.

ELLIOTT, FRANCES P. Died in San Diego, July 12, 1950, aged 78, after a long illness. Graduate of Rush Medical College, Chicago, 1907. Licensed in California in 1921. Dr. Elliott was a member of the San Diego County Medical Society, and a retired member of the California Medical Association.

FLAU, NORMAN C. Died near Barton Flats, July 18, 1950, aged 29, when his car plunged over a cliff. Graduate of the

University of Illinois College of Medicine, Chicago, 1945. Licensed in California in 1948. Dr. Flau was a member of the Los Angeles County Medical Association, the California Medical Association, and the American Medical Association.

SCHIMMENTI, JOHN M. Died in Oakland, July 19, 1950, aged 51, of a heart attack. Graduate of Columbia University College of Physicians and Surgeons, New York, 1923. Licensed in California in 1926. Dr. Schimmenti was a member of the Alameda County Medical Association, the California Medical Association, and a Fellow of the American Medical Association.

THOMAS, VICTOR E. Died in Arcadia, July 11, 1950, aged 51, of a heart attack. Graduate of Cornell University Medical College, New York, 1927. Licensed in California in 1927. Dr. Thomas was a member of the Los Angeles County Medical Association, the California Medical Association, and a Fellow of the American Medical Association.

WALSH, FRANK D. Died in Oakland, June 28, 1950, aged 75, of carcinoma of the rectum. Graduate of the College of Physicians and Surgeons of San Francisco, 1898. Licensed in California in 1898. Dr. Walsh was a member of the Alameda County Medical Association, and a retired member of the California Medical Association.